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§§ 219, 220; Dec. Dig. § 200.* 8 Va.-W. Va. Enc. Dig. 23; 14 Va.-W. Va. Enc. Dig. 585; 15 Va.-W. Va. Enc. Dig. 538.]

2. Indictment and Information (§ 109*)—Statutory Offenses—Sufficiency of Indictment.—An indictment under a statute must state all the circumstances which constitute the definition of the offenses so as to bring accused precisely within the statute, and where the indictment may be true, and accused may not be guilty of the statutory offense, the indictment is insufficient.

[Ed. Note.—For other cases, see Indictment and Information, Cent. Dig. §§ 286-288; Dec. Dig. § 109.* 7 Va.-W. Va. Enc. Dig. 403; 15 Va.-W. Va. Enc. Dig. 533.]

Error to Circuit Court, Louisa County.

A. B. Wiseman was convicted of crime, and he brings error. Reversed.

Hill Carter, of Richmond, for plaintiff in error
The Attorney General for the Commonwealth.

CALDWELL et ux. v. TANNEHILL.

Jan. 12, 1915.

[84 S. E. 6.]

1. Brokers (§ 49*)—Compensation—Right to.—A real estate broker, to recover compensation, must show that he has completed his undertaking according to its terms, or that its completion was prevented by the principal's unauthorized act.

[Ed. Note.—For other cases, see Brokers, Cent. Dig. §§ 70-72; Dec. Dig. § 49.* 2 Va.-W. Va. Enc. Dig. 638; 14 Va.-W. Va. Enc. Dig. 176; 15 Va.-W. Va. Enc. Dig. 145.]

2. Brokers (§ 52*)—Compensation—Contracts.—Where a broker's authority to sell property expired, unless the land was sold, or contracted in writing to be sold, on or before a named date, the broker did not become entitled to his commission merely because, within the time fixed, he produced a purchaser ready, able and willing to buy, where the land was not sold, and no written contract of sale was executed, within the time fixed.

[Ed. Note.—For other cases, see Brokers, Cent. Dig. § 73; Dec. Dig. § 52.* 2 Va.-W. Va. Enc. Dig. 629; 14 Va.-W. Va. Enc. Dig. 176; 15 Va.-W. Va. Enc. Dig. 145.]

3. Brokers (§ 63)—Compensation—Right to.—Defendant, who authorized a broker to sell, or contract in writing to sell, his land before a given date, refused to sign an agreement prepared by the customer's counsel, which was not in accordance with the terms on

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

which the land was offered. Thereafter defendant prepared an agreement, which also was not according to terms. The broker did not procure the execution of a written contract for the sale of the land before the expiration of his authority. Held, that as the acts of defendant were not unauthorized, and that did not prevent the broker from preparing a contract of sale embodying the terms agreed upon and procuring its execution, the broker is not entitled to commission because of defendant's acts.

[Ed. Note.—For other cases, see Brokers. Cent. Dig. §§ 79, 81, 94-96; Dec. Dig. § 63.* 2 Va.-W. Va. Enc. Dig. 629; 14 Va.-W. Va. Enc. Dig. 176; 15 Va.-W. Va. Enc. Dig. 145.]

Error to Corporation Court of Staunton.

Action by J. F. Tannehill, Jr., against C. R. Caldwell and wife. There was a judgment for plaintiff, and defendants bring error. Reversed and remanded.

Fitzhugh Elder and *J. M. Perry*, both of Staunton, for plaintiffs in error.

Timberlake & Nelson, of Staunton, for defendant in error.

GRANT *v.* CHESAPEAKE & O. RY. CO. et al.

Jan. 12, 1915. Rehearing Denied Jan. 27, 1915.

[84 S. E. 9.]

1. Navigable Waters (§ 36*)—Rights between State and Riparian Proprietors.—Title to the water of the river above tide and between the termini of the James river and the Kanawha canal is vested in the commonwealth and its grantees, and not in its riparian proprietors.

[Ed. Note.—For other cases, see Navigable Waters, Cent. Dig. §§ 180-200; Dec. Dig. § 36.* 10 Va.-W. Va. Enc. Dig. 342; 14 Va.-W. Va. Enc. Dig. 759; 15 Va.-W. Va. Enc. Dig. 720.]

2. Navigable Waters (§ 39*)—Riparian Rights—Laches.—Any water power rights of a riparian owner on the James river is lost by laches; he for more than a half century witnessing, without objection, the exclusive appropriation of the water of the river by the state and the transfer of its rights therein to others, and the contracting by a city for its water supply therefrom, and other changes in the condition and relation of the property and the parties as to make it inequitable to permit his claim to be enforced.

[Ed. Note.—For other cases, see Navigable Waters, Cent. Dig. §§ 21, 53, 82, 103, 112, 117, 127, 239-244; Dec. Dig. § 39.* 10 Va.-W. Va. Enc. Dig. 342; 14 Va.-W. Va. Enc. Dig. 759; 15 Va.-W. Va. Enc. Dig. 720.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.